



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
-----------------	-------------	----------------------	---------------------	------------------

09/445,268

04/03/2000

DANIEL RICHARD SCHNEIDEWEND

RCA89068

9731

24498

7590

04/28/2009

Thomson Licensing LLC

P.O. Box 5312

Two Independence Way

PRINCETON, NJ 08543-5312

EXAMINER

VAN HANDEL, MICHAEL P

ART UNIT

PAPER NUMBER

2424

MAIL DATE

DELIVERY MODE

04/28/2009

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 09/445,268	Applicant(s) SCHNEIDEWEND ET AL.	
	Examiner MICHAEL VAN HANDEL	Art Unit 2424	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 02 February 2009.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 16-25 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 16-25 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Miscellaneous

1. Examiner acknowledges Applicant's request that prosecution be reopened and an amendment entered in view of Examiner's new grounds of rejection in the Examiner's Answer mailed 12/08/2008. Prosecution has hereby been reopened and the amendment entered. The rejection below has been made final, since Applicant was informed of the new grounds of rejection in the Examiner's Answer.

Response to Amendment

1. This action is responsive to an Amendment filed 2/02/2009. Claims **16-25** are pending. Claims **16, 17** are amended. Claims **1-15** are canceled. The examiner hereby withdraws the rejection of claims **16** and **17** under 35 USC 101 in light of the amendments.

Response to Arguments

1. Applicant's arguments regarding claims **16, 17, 18, 20, 22, and 24**, filed 2/02/2009, have been fully considered, but they are not persuasive.

Regarding claims **16, 17, 18, 20, 22, and 24**, Applicant argues that LaJoie et al. does not teach the limitations of claims 16, 17, 18, 20, 22, and 24 for the reasons provided in the previously submitted Appeal Brief and Reply Brief. The examiner respectfully disagrees for the reasons stated in the previously submitted Examiner's Answer, which are restated below.

Art Unit: 2424

As noted in the Examiner's Answer mailed 12/08/2008, Applicant argues that the examiner is applying the wrong legal standard for obviousness under 35 U.S.C. §103(a). The examiner respectfully disagrees. The applicant specifically argues that the mere fact that a prior art device could (in hindsight) be modified to produce a claimed invention is not a basis for an obviousness rejection unless the prior art suggests the desirability of such a modification. The applicant states that LaJoie et al. fails to teach or suggest the desirability of the inventions defined by independent claims 16, 17, 18, 20, 22, and 24. The applicant further states that, in fact, LaJoie et al. fails to even recognize the specific problems that the applicants' have recognized and addressed by the inventions defined by independent claims 16, 18, and 22.

The examiner notes that 35 U.S.C. §103(a) states:

“A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the *subject matter as a whole would have been obvious at the time that the invention was made to a person having ordinary skill in the art to which said subject matter pertains*” (italicized for emphasis).

In the consideration and determination of obviousness under 35 U.S.C. 103, the examiner notes that it is Office policy to follow *Graham v. John Deere Co.* The four factual inquiries enunciated therein as a background for determining obviousness are as follows:

- (A) Determining the scope and contents of the prior art;
- (B) Ascertaining the differences between the prior art and the claims in issue;

Art Unit: 2424

(C) Resolving the level of ordinary skill in the pertinent art; and

(D) Evaluating evidence of secondary considerations.

(A) Determining the scope and contents of the prior art

As noted in the Office Action below, LaJoie et al. discloses a list of VCR timers (col. 20, l. 53-62 & Figs. 10, 11). The user can cancel VCR timers from the VCR timers list by pressing a “C” key (col. 21, l. 22-29). LaJoie et al. also discloses a list of past and pending Impulse Pay-Per-View (IPPV) purchases. A pending purchase can be removed from the list by pressing a stop key with a particular purchase highlighted (col. 22, l. 15-36 & Fig. 13). LaJoie et al. further discloses a list of reminder timers (col. 20, l. 21-22 & Fig. 14). Reminder timers are set when a future program is selected or purchased for watching (col. 7, l. 26-32; col. 29, l. 59-67; & col. 30, l. 1-7). LaJoie et al. still further discloses that a user can watch and record a program (col. 20, l. 26). Thus, LaJoie et al. discloses a list of programs scheduled for recording, a list of programs scheduled for purchase, and a list of programs scheduled for reminder.

Additionally, LaJoie et al. discloses an all timers setting of a general settings menu. Selecting the all timers setting within the general settings menu causes a list of all active timers in the set-top terminal to be displayed (col. 22, l. 47-52 & Fig. 14). LaJoie et al. further discloses that a user can select a program for purchasing and recording, thereby setting PPV and recording timers (for example, the top listing in the all timers menu)(Fig. 14). LaJoie et al. still further discloses that a user can select a program for purchasing and watching, thereby setting PPV and reminder timers (for example, the channel 77 listing of the all timers menu)(Fig. 14). Pressing

Art Unit: 2424

the stop key with any timer highlighted causes that timer to be canceled and accordingly removed from the all timers list (col. 22, l. 52-56).

LaJoie et al. further discloses resolving conflicts that arise when a timer setting's contents are modified within the general settings menu (col. 21, l. 30-35). LaJoie et al. discloses that conflicts can arise, for example, when there are overlapping timers, unusual settings, record timers for unpurchased Impulse Pay-Per-View (IPPV) events, etc. (col. 21, l. 30-67 & col. 22, l. 1-5). LaJoie et al. further discloses that a conflict can be resolved by displaying an interactive warning window that presents the user with options for resolving the conflict (col. 21, l. 42-67 & col. 22, l. 1-5).

(B) Ascertaining the differences between the prior art and the claims in issue

Regarding claims **16**, **18**, and **22**, the claims are directed to selecting a program for removal from a list of purchased programs, determining whether the program also appears on a list of programs scheduled for recording, and automatically removing the program from the list of programs scheduled for recording if the program appears on that list. LaJoie et al. does not specifically disclose determining whether the program also appears on the list of programs scheduled for recording (VCR timers list) and removing, automatically, said program from the list if the program appears on the list. LaJoie et al. does; however, specifically describe conflict checking features for resolving conflicts that arise when there are record timers for unpurchased Impulse Pay-Per-View (IPPV) events (col. 21, l. 38-39). LaJoie et al. further discloses requiring a user to purchase an IPPV event before setting a record timer for the event (col. 21, l. 42-49 &

Art Unit: 2424

Fig. 12). LaJoie et al. still further discloses allowing a user to cancel pending purchases for IPPV events (col. 22, l. 25-31).

LaJoie et al. also discloses an all timers setting that causes the display of all active timers in the set-top terminal (col. 22, l. 47-56 & Fig. 14). A user can press a stop key with any timer highlighted, causing that timer to be canceled and accordingly removed from the all timers list (col. 22, l. 52-56). The examiner notes that, in canceling a program timer from the all timers setting, the timer would no longer be active in any of the other timer lists, since the all timers setting displays each active timer in the set-top terminal (col. 22, l. 47-52).

Regarding claims **17**, **20**, and **24**, the claims are directed to selecting a program for removal from a list of programs scheduled for recording, determining whether the program is also a purchased program, enabling an on screen display including an option to cancel the purchase of the program if it is determined that the program is also a purchased program, and removing the program from a second list of programs representing purchased programs responsive to user selection of said option. LaJoie et al. does not specifically disclose determining, in response removing a program from a VCR timers list, whether said program is also a purchased program, enabling an on screen display including an option to cancel the purchase of the program if it is determined that the program is also a purchased program, and removing the program from a list of programs representing purchased programs responsive to user selection of said option. Lajoie et al. does; however, specifically describe conflict checking features for resolving conflicts that arise when there are overlapping timers, unusual settings, etc. (col. 21, l. 30-42). LaJoie et al. further discloses that a conflict can be resolved by displaying an interactive warning window that presents the user with options for resolving the conflict (col. 21,

Art Unit: 2424

l. 42-67 & col. 22, l. 1-5). LaJoie et al. also discloses that a user can select a program for purchasing and recording, thereby setting PPV and recording timers (for example, the top listing in the all timers menu)(Fig. 14). LaJoie et al. still further discloses that a user can select a program for purchasing and watching, thereby setting PPV and reminder timers (for example, the channel 77 listing of the all timers menu)(Fig. 14). LaJoie et al. also discloses that reminder timers are set when a future program is selected or purchased for watching (col. 7, l. 26-32; col. 29, l. 59-67; & col. 30, l. 1-7). LaJoie et al. still further discloses that a user can watch and record a program (col. 20, l. 26).

LaJoie et al. also discloses an all timers setting that causes the display of all active timers in the set-top terminal (col. 22, l. 47-56 & Fig. 14). A user can press a stop key with any timer highlighted, causing that timer to be canceled and accordingly removed from the all timers list (col. 22, l. 52-56). The examiner notes that, in canceling a program timer from the all timers setting, the timer would no longer be active in any of the other timer lists, since the all timers setting displays each active timer in the set-top terminal (col. 22, l. 47-52).

(C) Resolving the level of ordinary skill in the pertinent art

As noted above regarding claims **16**, **18**, and **22**, LaJoie et al. discloses requiring a user to purchase an IPPV event before setting a record timer for the event (col. 21, l. 42-49 & Fig. 12). LaJoie et al. further discloses allowing a user to cancel pending purchases for IPPV events (col. 22, l. 25-31). LaJoie et al. still further discloses resolving conflicts that occur when there are record timers for unpurchased IPPV events (col. 21, l. 38-39). As further noted above, LaJoie et al. discloses removing a program scheduled for purchasing and recording from an all timers

Art Unit: 2424

setting representing each active timer in the set-top terminal (col. 22, l. 47-52). Although not explicitly disclosing determining whether a program removed from a list of pending IPPV purchases also appears on a VCR timers list, and if so, automatically removing the program from the VCR timers list, LaJoie et al. clearly discloses requiring a user to purchase an IPPV event prior to recording the event and resolving conflicts that arise when there are record timers for unpurchased IPPV events. LaJoie et al. further clearly illustrates that it was within the realm of one of ordinary skill in the pertinent art to coordinate lists in response to a single user selection. For example, in purchasing a future IPPV event, the program would be added to both the pending purchases and reminder timers lists (illustrated by channel 77 program scheduled for purchasing and reminding) (col. 7, l. 26-32; col. 20, l. 21-22; col. 29, l. 59-67; col. 30, l. 1-7; & Figs. 14, 26). As another example, LaJoie et al. illustrates that in pressing a B (Buy) button on screen 270 of Fig. 12 or screen 496 of Fig. 25, a program would be added to both a VCR timers list and a pending purchases list (illustrated by channel 75 program scheduled for purchasing and recording)(Figs. 12, 25). Thus, LaJoie et al. discloses a desire to resolve the conflicts that arise when there are record timers for unpurchased IPPV events and that it was within the level of one of ordinary skill in the art to coordinate multiple lists involving a single program in response to a single user selection at the time that the invention was made. As such, it would have been obvious to one of ordinary skill in the art to apply the technique of appropriately updating multiple lists containing a single program in response to a single user selection, such as that taught by LaJoie et al., to improve the interactive program guide of LaJoie et al. for the predictable result of resolving the conflict that occurs when there is a record timer for an unpurchased IPPV event.

Art Unit: 2424

The examiner acknowledges the applicant's argument that the applicant has recognized the problems associated with a user having to redundantly perform the same task twice by canceling both a program purchase and a program recording, and the applicant's further argument that Applicant's invention does not require the user to perform the same task twice by removing the program from the first list of programs scheduled for recording. The examiner notes; however, that LaJoie et al. does suggest that a conflict exists when there is a record timer for an unpurchased IPPV event, as noted above. The examiner further notes that broadly providing an automatic means to replace a manual activity which accomplished the same result is not sufficient to distinguish over the prior art (see *In re Venner*). As such, the examiner maintains that "automatically removing a program from a first list of programs scheduled for recording in response to user removal of the program from a second list of programs selected for purchase" is not sufficient to distinguish over LaJoie et al.'s "having to redundantly perform the same task twice by canceling both a program purchase and a program recording," as argued by the applicant.

As noted above regarding claims **17**, **20**, and **24**, LaJoie et al. discloses that a program can be selected for purchasing and recording (top listing of Fig. 14), thereby adding the program to the VCR timers list and the pending purchases list. LaJoie et al. also discloses that a program can be selected for purchasing and watching (channel 77 listing of Fig. 14), thereby adding the program to the pending purchases list and the reminder timers list. LaJoie et al. further discloses that a program can be selected for watching and recording (col. 20, l. 26), thereby adding the program to the VCR timers list and the reminder timers list. LaJoie et al. discloses resolving conflicts that arise when there are overlapping timers, unusual settings, etc. by displaying an

Art Unit: 2424

interactive warning window 270 that presents the user with options for resolving the conflict (col. 21, l. 30-67; col. 22, l. 1-5; & Fig. 12). The two particular examples used by LaJoie et al. are resolving a conflict that occurs when a user attempts to record an IPPV event (col. 21, l. 42-49) and resolving a conflict that occurs when there are conflicting timers (col. 21, l. 49-67 & col. 22, l. 1-5). The examiner notes that, if a user were to cancel a program scheduled for purchasing and recording from the all timers list, the selection could result in a conflict if there were a reminder timer set in response to the purchasing or recording selections, since there would be overlapping timers. Even if no conflict were caused by the selection, it would be confusing to the user to cancel all of the timers associated with the program, since the user may only have wanted to remove a VCR timer while still purchasing and watching the program. Although not explicitly disclosing an interactive warning window to resolve such a situation, LaJoie et al. clearly discloses that a user may schedule a program for purchasing and recording or purchasing and watching (Fig. 14) and further clearly discloses the use of interactive warning windows to resolve conflicts caused by overlapping timers and unusual settings (col. 21, l. 30-37 & fig. 12). As such, LaJoie et al. clearly illustrates that it was within the realm of one of ordinary skill in the pertinent art to display an interactive window with user-selectable options to resolve a situation. Thus, it would have been obvious to one of ordinary skill in the art to apply the technique of displaying an interactive warning window with user-selectable options, such as that taught by LaJoie et al., to improve the interactive program guide of LaJoie et al. for the predictable result of resolving a conflict that occurs when a program is associated with multiple timers.

The examiner acknowledges the applicant's argument that there is no inherent conflict when a user cancels the scheduled recording of a purchased program, and that, in the claimed

Art Unit: 2424

invention, a user may cancel the scheduled recording of a purchased program, but still want to purchase the program. The examiner notes; however, that a user of the system of LaJoie et al. may similarly want to cancel a scheduled recording of a program scheduled for purchase (channel 75)(Fig. 14), but still want to purchase and watch the program (channel 77)(Fig. 14). If both a reminder timer and a VCR timer were associated with the program scheduled for purchase (such as if watch and record were enabled)(col. 20, l. 26), the program guide would not know which timer to cancel in response to a user pressing the stop key with the program highlighted. Since a user of Lajoie et al. may wish to cancel a VCR timer from a program scheduled for purchasing and recording, but still purchase and watch the program, the examiner maintains that it be obvious to one of ordinary skill in the art at the time that the invention was made to provide an interactive warning window with user-selectable buttons, such as that taught by LaJoie et al. in order resolve such a situation.

(D) Evaluating evidence of secondary considerations

Applicant has failed to provide any evidence of secondary considerations.

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Art Unit: 2424

2. Claims **16-18, 20, 22, 24** are rejected under 35 U.S.C. 103(a) as being unpatentable over LaJoie et al.

Referring to claim **16**, LaJoie et al. discloses a method for processing a plurality of programs using a video apparatus, the method comprising:

- receiving, via said video apparatus, a first user input selecting a first program for removal from a first list representing a list of programs scheduled for recording (removing a program scheduled only for recording from the all timers list would remove it from the VCR timers list)(col. 22, l. 47-56 & Fig. 14);
- receiving, via said video apparatus, a second user input selecting a second program for removal from a second list representing a list of programs purchased (col. 22, l. 47-56 & Fig. 14);

LaJoie et al. does not specifically disclose determining, via said video apparatus, whether said second program also appears on said first list responsive to said second user input and removing, automatically via said video apparatus, said second program from said first list if said second program appears on said first list; however, the examiner notes that if a program scheduled for purchasing and recording is canceled from the all timers list, it would be counterintuitive to list it with the VCR timers and PPV purchases in the general settings menu. LaJoie et al. specifically states that selecting the all timers setting causes the display of all active timers in the set-top terminal (col. 22, l. 47-56 & Fig. 14). Thus, in canceling a timer from the all timers setting, the program can no longer be scheduled for purchasing or recording. Removing a program scheduled for purchasing and recording from the all timers list, but not from the list of PPV purchases or VCR timers would cause the PPV purchases and VCR timers lists to present false

Art Unit: 2424

information to the user. Therefore, it would have been obvious to one of ordinary skill in the art at the time that the invention was made to remove a scheduled event from a list in response to removing the event from a list of all scheduled events, in order to avoid confusing a user.

Referring to claim 17, LaJoie et al. discloses a method for processing a program using a video apparatus, the method comprising:

- removing, via said video apparatus and in response to a user command, said program from a first list of programs representing programs scheduled for recording (removing a program scheduled only for recording from the all timers list would remove it from the VCR timers list)(col. 22, l. 47-56 & Fig. 14);

LaJoie et al. does not specifically disclose determining, via said video apparatus and in response to said user command, whether said program is also a purchased program; enabling, via said video apparatus, an on screen display including an option to cancel the purchase of said program if it is determined that said program is also a purchased program; and removing, via said video apparatus, said program from a second list of programs representing purchased programs; however the examiner notes that if a program scheduled for purchasing and recording is canceled from the all timers list, it would be counterintuitive to list it with the VCR timers and PPV purchases in the general settings menu. LaJoie et al. specifically states that selecting the all timers setting causes the display of all active timers in the set-top terminal (col. 22, l. 47-56 & Fig. 14). In canceling a timer from the all timers setting, the program can no longer be scheduled for purchasing or recording and would no longer appear on any timer list. LaJoie et al. also suggests the use of conflict checking features in verifying that there are no conflicts created by a modified setting (for example, when there are overlapping timers)(col. 21, l. 30-35). LaJoie et

Art Unit: 2424

al. specifically states the example of a warning screen that alerts the user when trying to record an IPPV program and provides the user with the option of purchasing the program or canceling the warning (col. 21, l. 42-49). LaJoie et al. further illustrates that programs can be selected for purchasing and viewing or purchasing and recording (indicated by REC and PPV or the timer icon and PPV)(Fig. 14). Since a program can be scheduled for purchasing and recording or purchasing and viewing, it would have been obvious to one of ordinary skill in the art at the time that the invention was made to use a conflict checking feature to allow a user the options of either purchasing and viewing the program or canceling the program from all timers in order to provide a more user-friendly interface.

Referring to claim **18**, LaJoie et al. discloses an apparatus for processing a program, comprising first means for receiving a first user input selecting a first program for removal from a first list representing a list of programs scheduled for recording (removing a program scheduled only for recording from the all timers list would remove it from the VCR timers list)(col. 22, l. 47-56 & Fig. 14), and for receiving a second user input selecting a second program for removal from a second list representing a list of programs purchased (col. 22, l. 47-56 & Fig. 14). LaJoie et al. does not specifically disclose a second means for determining whether said second program also appears on said first list responsive to said second user input; and removing, automatically, said second program from said first list if said second program appears on said first list; however, the examiner notes that if a program scheduled for purchasing and recording is canceled from the all timers list, it would be counterintuitive to list it with the VCR timers and PPV purchases in the general settings menu. LaJoie et al. specifically states that selecting the all timers setting causes the display of all active timers in the set-top terminal (col. 22, l. 47-56 &

Art Unit: 2424

Fig. 14). Thus, in canceling a timer from the all timers setting, the program can no longer be scheduled for purchasing or recording. Removing a program scheduled for purchasing and recording from the all timers list, but not from the list of PPV purchases or VCR timers would cause the PPV purchases and VCR timers lists to present false information to the user.

Therefore, it would have been obvious to one of ordinary skill in the art at the time that the invention was made to remove a scheduled event from a list in response to removing the event from a list of all scheduled events, in order to avoid confusing a user.

Referring to claim **20**, LaJoie et al. discloses an apparatus for processing a program, comprising:

- first means for receiving a user command (pressing the record key 472 with a program 474 highlighted causes a VCR timer to be set up for the highlighted program and further causes the program to be added to the VCR timers in the general settings menu 480 and added to the all timers setting in the general settings menu)(col. 22, 1. 47-52; col. 29, 1. 5-16; Fig. 14; & Fig. 24); and
- second means for removing said program from a first list of programs representing programs scheduled for recording responsive to said user command (removing a program scheduled only for recording from the all timers list would remove it from the VCR timers list)(col. 22, 1. 47-56 & Fig. 14).

LaJoie et al. does not specifically disclose said second means determining whether said program is also a purchased program responsive to said user command; enabling an on screen display including an option to cancel the purchase of said program if it is determined that said program is also a purchased program; wherein said program is removed from a second list of programs

Art Unit: 2424

representing purchased programs responsive to user selection of said option; however, the examiner notes that if a program scheduled for purchasing and recording is canceled from the all timers list, it would be counterintuitive to list it with the VCR timers and PPV purchases in the general settings menu. LaJoie et al. specifically states that selecting the all timers setting causes the display of all active timers in the set-top terminal (col. 22, 1. 47-56 & Fig. 14). In canceling a timer from the all timers setting, the program can no longer be scheduled for purchasing or recording and would no longer appear on any timer list. LaJoie et al. also suggests the use of conflict checking features in verifying that there are no conflicts created by a modified setting (for example, when there are overlapping timers)(col. 21, 1. 30-35). LaJoie et al. specifically states example of a warning screen that alerts the user when trying to record an IPPV program and provides the user with the option of purchasing the program or canceling the warning (col. 21, 1.42-49). LaJoie et al. further illustrates that programs can be selected for purchasing and viewing or purchasing and recording (indicated by REC and PPV or the timer icon and PPV)(Fig. 14). Since a program scheduled for purchasing and recording could also be scheduled for purchasing and viewing, it would have been obvious to one of ordinary skill in the art at the time that the invention was made to use a conflict checking feature to allow a user the options of either purchasing and viewing the program or canceling the program from all timers in order to provide a more user-friendly interface.

Referring to claim **22**, LaJoie et al. discloses an apparatus for processing a program, comprising a receiver operative to receive a first user input selecting a first program for removal from a first list representing a list of programs scheduled for recording (removing a program scheduled only for recording from the all timers list would remove it from the VCR timers

Art Unit: 2424

list)(col. 22, 1. 47-56 & Fig. 14), and to receive a second user input selecting a second program for removal from a second list representing a list of programs purchased (col. 22, 1. 47-56 & Fig. 14). LaJoie et al. does not specifically disclose a processor operative to determine whether said second program also appears on said first list responsive to said second user input; and to automatically remove said second program from said first list if said second program appears on said first list; however, the examiner notes that if a program scheduled for purchasing and recording is canceled from the all timers list, it would be counterintuitive to list it with the VCR timers and PPV purchases in the general settings menu. LaJoie et al. specifically states that selecting the all timers setting causes the display of all active timers in the set-top terminal (col. 22, 1. 47-56 & Fig. 14). Thus, in canceling a timer from the all timers setting, the program can no longer be scheduled for purchasing or recording. Removing a program scheduled for purchasing and recording from the all timers list, but not from the list of PPV purchases or VCR timers would cause the PPV purchases and VCR timers lists to present false information to the user. Therefore, it would have been obvious to one of ordinary skill in the art at the time that the invention was made to remove a scheduled event from a list in response to removing the event from a list of all scheduled events, in order to avoid confusing a user.

Referring to claim **24**, LaJoie et al. discloses an apparatus for processing a program, comprising:

- a receiver operative to receive a user command (pressing the record key 472 with a program 474 highlighted causes a VCR timer to be set up for the highlighted program and further causes the program to be added to the VCR timers in the general settings menu 480 and added to the all timers setting in the

Art Unit: 2424

general settings menu)(col. 22, 1. 47-52; col. 29, 1. 5-16; Fig. 14; & Fig. 24);

and

- a processor operative to remove said program from a first list of programs representing programs scheduled for recording responsive to said user command (removing a program scheduled only for recording from the all timers list would remove it from the VCR timers list)(col. 22, 1. 47-56 & Fig. 14).

LaJoie et al. does not specifically disclose said processor being further operative to determine whether said program is also a purchased program responsive to said user command; and to enable an on screen display including an option to cancel the purchase of said program if it is determined that said program is also a purchased program; wherein said program is removed from a second list of programs representing purchased programs responsive to user selection of said option; however, the examiner notes that if a program scheduled for purchasing and recording is canceled from the all timers list, it would be counterintuitive to list it with the VCR timers and PPV purchases in the general settings menu. LaJoie et al. specifically states that selecting the all timers setting causes the display of all active timers in the set-top terminal (col. 22, 1. 47-56 & Fig. 14). In canceling a timer from the all timers setting, the program can no longer be scheduled for purchasing or recording and would no longer appear on any timer list. LaJoie et al. also suggests the use of conflict checking features in verifying that there are no conflicts created by a modified setting (for example, when there are overlapping timers)(col. 21, 1. 30-35). LaJoie et al. specifically states example of a warning screen that alerts the user when trying to record an IPPV program and provides the user with the option of purchasing the program or canceling the warning (col. 21, 1. 42-49). LaJoie et al. further illustrates that

Art Unit: 2424

programs can be selected for purchasing and viewing or purchasing and recording (indicated by REC and PPV or the timer icon and PPV)(Fig. 14). Since a program scheduled for purchasing and recording could also be scheduled for purchasing and viewing, it would have been obvious to one of ordinary skill in the art at the time that the invention was made to use a conflict checking feature to allow a user the options of either purchasing and viewing the program or canceling the program from all timers in order to provide a more user-friendly interface.

3. Claims **19, 21, 23, 25** are rejected under 35 U.S.C. 103(a) as being unpatentable over LaJoie et al. in view of the RCA DRD202RA Owner's Manual.

Referring to claims **19, 21, 23, and 25**, LaJoie et al. teaches the apparatus of claims 18, 20, 22, and 24, respectively. LaJoie et al. also discloses a process for purchasing an Impulse-Pay-Per-View (IPPV) event (col. 31, 1. 33-49 & Fig. 29). Buying an IPPV event causes the program to be added to the PPV purchases in the general settings menu (col. 22, 1. 16-25 & Fig. 13). LaJoie et al. further discloses a conflict checking feature. If a user attempts to record an IPPV event, an interactive warning window 270 is displayed alerting the user that the IPPV event sought to be recorded has not been purchased, then allows the user to press “B” application definable key 252 to buy the event (col. 21, 1. 42-49 & Fig. 12). LaJoie et al. still further discloses an all timers setting of the general settings menu in which it is clearly shown that programs can be scheduled for future recording, purchasing, or both purchasing and recording (col. 22, 1. 47-52 & Fig. 14). LaJoie et al. does not teach that said second means enables display of an on screen user option indicating that a user can both purchase and record a selected program so that said user does not have to select one of purchase and record user options and

Art Unit: 2424

then select the other user option to purchase and record said selected program. RCA DRD202RA Owner's Manual discloses a Buy and Record Option (Buy and Record Option p. 29). It would have been obvious to one of ordinary skill in the art at the time that the invention was made to replace the conflict checking functionality of recording an IPPV program of LaJoie et al. with a Buy and Record Option, such as that taught by the RCA DRD202RA Owner's Manual in order to provide a more user-friendly interface.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to MICHAEL VAN HANDEL whose telephone number is (571)272-5968. The examiner can normally be reached on 8:00am-5:30pm Mon.-Fri..

Art Unit: 2424

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chris Kelley can be reached on 571-272-7331. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Christopher Kelley/
Supervisory Patent Examiner, Art Unit
2424

MVH